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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 KAMAL B. MAHDAVI,

12 Plaintiff,

13 vs.

14 THE SOCIAL SECURITY  
15 COMMISSIONER,

16 Defendant.

CASE NO. 10CV2495 JLS (PCL)

**ORDER 1) GRANTING MOTION  
TO PROCEED *IN FORMA*  
*PAUPERIS* & 2) SUA SPONTE  
DISMISSING COMPLAINT FOR  
FAILING TO STATE A CLAIM  
PURSUANT TO 28 U.S.C. § 1915**

(Doc. No. 2.)

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18 Presently before the Court is Plaintiff Kamal B. Mahdavi's motion to proceed *in forma*  
19 *pauperis*. (Doc. No. 2.) For the reasons stated below, the motion is **GRANTED**. The Court also  
20 **DISMISSES** Plaintiff's complaint after screening it pursuant to 28 U.S.C. § 1915(e)(2).

21 **1. Motion to Proceed *In Forma Pauperis***

22 A Federal Court may authorize the commencement of an action without the prepayment of  
23 fees if the party submits an affidavit, including a statement of assets, showing that he is unable to  
24 pay the required filing fee. 28 U.S.C. § 1915(a). Plaintiff attests that he receives \$929 per month  
25 in social security and has a checking account containing \$20.49. (Memo. ISO Motion, at 2.) He  
26 owns no other property. Based on this information, the Court **GRANTS** Plaintiff's motion to  
27 proceed *in forma pauperis*.

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1     **2.     Sua Sponte Screening Per 28 U.S.C. § 1915(e)(2)**

2             The Court is required to review a case filed IFP. 28 U.S.C. § 1915(e). The Court shall  
 3 dismiss the action if it is frivolous or malicious, fails to state a claim on which relief may be  
 4 granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C.  
 5 § 1915(e)(2)(B); *see Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). If the Court  
 6 dismisses the action, leave to amend may be granted to the extent the pleading can be cured.  
 7 *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).

8             Where other Orders can have headings indicating the cause of action being discussed, this  
 9 Order cannot—and it's not for a lack of trying. Plaintiff's complaint is a whirlwind of conspiracy  
 10 theories and fails to meet the pleading standards set forth in Federal Rule of Civil Procedure 8.  
 11 After wading through the complaint, it seems to the Court that Plaintiff seeks "entitlements and  
 12 compensat[ion]" based on denials of SSA retirement benefits and reductions of SSI benefits.  
 13 (Compl. at 2, 3, 6.) But this is a guess at best. And even if the Court ran with its understanding of  
 14 Plaintiff's request, Plaintiff fails to provide a factual basis for the claim.

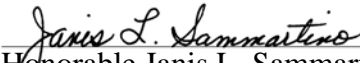
15             The Court dismisses Plaintiff's Complaint for failing to state a claim upon which relief can  
 16 be granted. *See* 28 U.S.C. § 1915(e)(2). However, Plaintiff will be permitted the opportunity to  
 17 file an Amended Complaint.

18     **3.     CONCLUSION AND ORDER**

19             The Court **GRANTS** Plaintiff's motion to proceed *in forma pauperis*. Plaintiff's  
 20 Complaint is **DISMISSED** without prejudice for failing to state a claim upon which relief may be  
 21 granted. Plaintiff is granted fourteen days leave from the date this Order is electronically docketed  
 22 in which to file a first amended complaint.

23             **IT IS SO ORDERED.**

24     DATED: December 17, 2010

25                               
 26                             Honorable Janis L. Sammartino  
 27                             United States District Judge  
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